Subject: Re: Public Records Request — Automated License Plate Reader (ALPR / Flock) Records
Date: Thursday, July 16, 2026 at 10:02:42 PM Central European Summer Time
From: Mark Williams
To: Scott Hettinger
CC: kim.ward@carolinabeach.gov
Attachments: Outlook-A picture .jpg, Outlook-cidimage00.jpg, image001.jpg, image001[46].jpg, image002.jpg, image003.jpg, image004.jpg, image005.jpg

Captain Hettinger,

Thank you for the production made available on July 15 and for the event logs you sent by email on July 16. I appreciate that you turned this around in fifteen days and that you volunteered the omission of the event logs rather than waiting to be asked. That is more than many agencies have done, and I want to say so before I say the rest.

The rest is that the production is materially incomplete, and the redactions are unexplained. This message identifies what is missing, what was withheld without a stated basis, and what I am asking the Town to do. I would rather resolve this with you directly than any other way.

I. FOUR OF THE NINE REQUESTED CATEGORIES PRODUCED NO RECORDS AT ALL

The June 30 request sought nine categories. The Town produced records responsive to five. It produced nothing at all — and said nothing at all — as to four:

Item 1 — the contract. No contract, subscription, order form, quote, or service agreement was produced. The Town's own invoices establish that such agreements exist. Invoice INV-48693 recites "Co-Term: Year 2 of 60 Month Term, 2024-2025." Invoice INV-82409 recites "Phase 2 (NEW): Year 1 of 36 Month Term." A sixty-month agreement and a thirty-six-month agreement are described in the documents the Town did produce. A contract between a municipality and a vendor is the paradigm public record under N.C. Gen. Stat. § 132-1, and I am aware of no exemption that would reach it.

Item 3 — data-sharing agreements. Nothing was produced, and no statement was made that none exist.

Item 7 — the network and data-sharing configuration. Nothing was produced. This is the single item that would explain the volume described in Part III below.

Item 8 — camera count and general locations. Nothing was produced. The invoices reference two Falcon units, one Falcon Flex, and two Solar LPR units, but the Town produced no record responsive to this item and no locations.

If the Town's position is that no responsive record exists in any of these categories, § 132-6(a) is satisfied by saying so in writing. It is not satisfied by silence. If records exist and are being withheld, the Town must say which and why.

II. EVERY REDACTION IS UNEXPLAINED, AND AT LEAST TWO APPEAR TO HAVE NO BASIS

The June 30 request stated: "If you contend any portion of these records is exempt, please produce all non-exempt portions and cite the specific statutory basis for any withholding or redaction."

The Town cited nothing. Across six audit files and the event log, every identifying field reads "Redacted." There is no legend, no exemption log, no withholding index, and no statutory citation on any page of any file. The only reference to withholding anywhere in the correspondence is the phrase "All publicly available records have been copied to an external media drive." That phrase is not a legal basis. It is a conclusion, and it is the Town's burden to support it.

Two of the redactions warrant particular attention.

The searching officer's name. N.C. Gen. Stat. § 160A-168(b)(1) makes the name of a municipal employee expressly a matter of public record. N.C. Gen. Stat. § 20-183.32(e) makes captured plate data confidential. The name of an officer who performed an official act is not captured plate data, and it is not a confidential personnel record. I am unaware of any authority permitting its redaction from a search log.

The outside agency's name in the network audits. The Org Name field is redacted on every row. An outside agency's identity is not captured plate data, and it is not a Carolina Beach personnel record. Redacting it removes the only information a network audit exists to convey. If the Town has authority for this redaction, I would genuinely like to read it.

III. WHAT THE PRODUCTION SHOWS, AND WHY THE WITHHELD ITEMS MATTER

I do not raise the following to argue. I raise it because it is what the Town's own records say, and because it explains why the four withheld categories are not a formality.

The Town's five cameras were searched approximately three million times in three months. The network audits comprise roughly 951,000 rows in

March, 1,045,000 in April, and 1,000,000 in May. For comparison, New Hanover County's entire network logged 2,980,082 searches over sixteen months. Carolina Beach — population roughly 6,400 — appears to have matched that in one quarter. Every one of those searches was run by an agency the Town has redacted.

The Town's own searches reach far beyond the Town. Carolina Beach personnel ran 1,358 searches between March 1 and May 31. The median search reached 1,168 separate camera networks. The largest reached 6,323. That reach nearly tripled over the quarter — a median of 427 in March, 1,168 in April, 1,180 in May.

Forty-one searches are logged as "Traffic Infraction." Fifteen more are logged as "City Planning/Traffic Analysis." N.C. Gen. Stat. § 20-183.31(b) provides that ALPR data "shall not be used for the enforcement of traffic violations." The Town's own Policy 425.4(g) says the same thing and cites the same statute. These are the Department's own reason codes, selected by its own personnel, on its own system. I am not drawing an inference; I am reading the label.

Policy 425 appears to contradict the network audits. Policy 425.7 provides that ALPR data "shall only be shared with another law enforcement agency or prosecutor upon a written request, which may be made electronically." The network audits reflect on the order of a million outside-agency searches per month. If each was preceded by a written request, the Town should hold roughly three million of them, and Item 3 should not have come back empty. If they were not, the Town's policy and the Town's architecture are not describing the same system.

Policy 425 bears no adoption date. N.C. Gen. Stat. § 20-183.31(a) requires a written policy adopted "before the automatic license plate reader system is operational." The Town has been billed for Flock service since November 3, 2022. The policy produced carries no effective date, no adoption date, and no revision date. Its only date is a Lexipol copyright line reading 2026/06/26 — four days before this request was filed. I am not suggesting the policy was created in response to the request, and I do not assume it was. I am saying the document as produced cannot demonstrate compliance with the statute, and the Town is the only party able to fix that.

IV. THE FORMAT DOES NOT COMPLY WITH § 132-6.2(a)

The June 30 request asked that records existing in electronic form be produced electronically, "native CSV/Excel for any data exports." N.C. Gen. Stat. § 132-6.2(a) provides that a requester "may elect to obtain them in any and all media in which the public agency is capable of providing them."

The Flock platform exports these audits as CSV. Other North Carolina agencies have produced them to me in that format. Instead, the Town rendered them into PDF — the April network audit alone runs to 18,346 pages and 254 megabytes. The invoices were produced as an image-only scan containing no text layer at all.

I note that the stated reason for the external drive was that "[d]ue to the electronic size of the results we are unable to email the records." The size is a consequence of the format. The underlying CSVs would be a small fraction of it, and could have been emailed.

V. WHAT I AM ASKING THE TOWN TO DO

Within ten business days, please correct the deficiencies as follows:

1. Produce the Flock contract and any order forms, quotes, or service agreements, including the sixty-month agreement and the thirty-six-month Phase 2 agreement the invoices reference.

2. Produce any data-sharing agreements or memoranda of understanding, or state in writing that none exist.

3. Produce the current network and data-sharing configuration, including the organization sharing settings showing participation in any State, Nationwide, or Community network.

4. Produce records sufficient to show the number of ALPR devices and their general locations.

5. Reproduce the six audits and the event log as native CSV, unredacted as to searching agency and searching officer.

6. For any redaction the Town maintains, cite the specific statutory basis for that field.

7. Identify the adoption date of Policy 425 and produce any prior ALPR policy in effect since November 2022.

8. Produce the written requests contemplated by Policy 425.7 for outside-agency access, or state in writing that none exist.

I am also glad to narrow any of this if it would speed production. If the Town would prefer to give me the CSVs and confer about the redactions afterward, I will take that trade.

VI. FINALLY

We are not waiving any of our rights under N.C. Gen. Stat. § 132-9 and/or § 132-9(c) including attorney's fees for non-compliance. We prefer to resolve the issues amicably.

Thank you for your time and for the professionalism you have shown so far.

Sincerely,

Mark Spencer Williams
Managing Attorney
Rice Law PLLC
105 N. 6th Street
Wilmington, NC 28401
(910) 762-3854
mwilliams@ricefamilylaw.com

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Mark Spencer Williams
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From: Scott Hettinger <scott.hettinger@carolinabeach.gov>
Date: Thursday, July 16, 2026 at 6:53 PM
To: Mark Williams <mwilliams@ricefamilylaw.com>
Subject: Re: Public Records Request — Automated License Plate Reader (ALPR / Flock) Records

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See attached.

Thanks,

Scott Hettinger
Captain
Carolina Beach Police Department
1121 N Lake Park Blvd
Carolina Beach, NC 28428
Office: 910-707-2004

From: Mark Williams <mwilliams@ricefamilylaw.com>

Date: Thursday, July 16, 2026 at 12:04 PM
To: Scott Hettinger <scott.hettinger@carolinabeach.gov>
Subject: Re: Public Records Request — Automated License Plate Reader (ALPR / Flock) Records

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Yes thank you

Sent from my mobile device often with speech to text. Please forgive any typos.

Mark Spencer Williams
Managing Attorney
NCDRC Certified Mediator – Superior Court & Family Financial
Certified Parent Coordinator

Rice Law PLLC
105 N. 6th Street
Wilmington, NC 28401
(O) 910.762.3854
(D) 910.304.5360
www.RiceFamilyLaw.com

From: Scott Hettinger <scott.hettinger@carolinabeach.gov>
Sent: Thursday, 16 July 2026 18:02:28
To: Mark Williams <mwilliams@ricefamilylaw.com>
Subject: Re: Public Records Request — Automated License Plate Reader (ALPR / Flock) Records

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Sir,
My apologies, I just realized I did not put the event logs on the drive from the release and it had already been picked up. It should be small enough I can send that over email to you. Is that alright?

Scott Hettinger
Captain
Carolina Beach Police Department
1121 N Lake Park Blvd
Carolina Beach, NC 28428
Office: 910-707-2004

From: Mark Williams <mwilliams@ricefamilylaw.com>
Date: Wednesday, July 15, 2026 at 3:39 PM
To: Scott Hettinger <scott.hettinger@carolinabeach.gov>
Cc: [redacted] <[redacted]>
Subject: Re: Public Records Request — Automated License Plate Reader (ALPR / Flock) Records

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Thank you.

Peyton in my office will arrange one of our employees to pick them up ASAP

~Mark

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RICE LAW, PLLC
RiceFamilyLaw.com

Mark Spencer Williams
Attorney

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From: Scott Hettinger <scott.hettinger@carolinabeach.gov>
Date: Wednesday, July 15, 2026 at 9:37 PM
To: Mark Williams <mwilliams@ricefamilylaw.com>
Subject: Re: Public Records Request — Automated License Plate Reader (ALPR / Flock) Records

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Sir,

The public records request filed on June 30th, 2026 is available for pickup at the Carolina Beach Police Department front desk. All publicly available records have been copied to an external media drive. Due to the electronic size of the results we are unable to email the records.

Please let me know if you have any questions.

Scott Hettinger
Captain
Carolina Beach Police Department
1121 N Lake Park Blvd
Carolina Beach, NC 28428
Office: 910-707-2004

From: Mark Williams <mwilliams@ricefamilylaw.com>
Date: Monday, July 6, 2026 at 10:14 AM
To: Scott Hettinger <scott.hettinger@carolinabeach.gov>
Subject: Re: Public Records Request — Automated License Plate Reader (ALPR / Flock) Records

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Thank you

~Mark

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RICE LAW, PLLC
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Mark Spencer Williams
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From: Scott Hettinger <scott.hettinger@carolinabeach.gov>
Date: Monday, July 6, 2026 at 4:11 PM
To: Mark Williams <mwilliams@ricefamilylaw.com>
Subject: Public Records Request — Automated License Plate Reader (ALPR / Flock) Records

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Mr.Williams,
We have received your public records request and will process/return requested information if available as soon we are able.

Thank you,

Scott Hettinger
Captain
Carolina Beach Police Department
1121 N Lake Park Blvd
Carolina Beach, NC 28428
Office: 910-707-2004

From: Mark Williams <mwilliams@ricefamilylaw.com>
Sent: Tuesday, June 30, 2026 8:40 AM
To: Kim Ward <kim.ward@carolinabeach.gov>
Subject: Public Records Request — Automated License Plate Reader (ALPR / Flock) Records

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Pursuant to the North Carolina Public Records Act, N.C. Gen. Stat. Chapter 132, I request to inspect and obtain copies of the following records held by the Town and its Police Department. Where a record exists in electronic form, I ask that it be produced electronically (PDF, or native CSV/Excel for any data exports).

If the Town and its Police Department do not operate, subscribe to, or have access to any automated license plate reader (ALPR) system — whether from Flock Safety or any other vendor — a brief written statement to that effect will fully satisfy items 4 through 9, and I would appreciate that confirmation.

1. Any current or past contract, subscription, order form, quote, or service agreement between the Town (or its Police Department) and Flock Safety, or any other ALPR or surveillance-camera vendor, in effect at any time since January 1, 2022.
2. Any policy, standard operating procedure, directive, or training material governing the use of ALPR systems, including rules on who may search the data, for what purposes, and how long data is retained.
3. Any data-sharing agreement, memorandum of understanding, or similar arrangement governing the sharing of ALPR data with other agencies — local, state, federal, or out-of-state.
4. The **Organization Audit** (or equivalent search-audit export) reflecting every ALPR search run by your agency's own personnel for the period **March 1, 2026 through May 31, 2026**.
5. The **Network Audit** (or equivalent) reflecting every ALPR search run by any outside agency against your agency's cameras or data for the period **March 1, 2026 through May 31, 2026**.
6. The **Event Log** (or equivalent) reflecting system events — logins, data exports, and configuration changes — for the period **March 1, 2026 through May 31, 2026**.
7. The current network/data-sharing configuration for any ALPR system, including the organization sharing settings showing participation in any State, Nationwide, or Community network, and any custom sharing arrangements.
8. Records sufficient to show the number of ALPR cameras or devices operated by or for the Town, and their general locations.
9. Invoices, purchase orders, or payment records reflecting amounts paid for ALPR services since January 1, 2022.

I am willing to pay reasonable duplication costs. If you anticipate any fee, including any special service charge under N.C. Gen. Stat. § 132-6.2(b), please notify me with an estimate before incurring it. If you contend any portion of these records is exempt, please produce all non-exempt portions and cite the specific statutory basis for any withholding or redaction.

Please acknowledge receipt of this request and provide an estimated timeframe for production. Thank you for your assistance.

Sincerely,

Mark Spencer Williams
Managing Attorney, Rice Law PLLC
Wilmington, North Carolina
mwilliams@ricefamilylaw.com

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